

SPECIAL MASTER HEARING
City Commission Meeting Room
Special Master Richard Conner, Presiding
February 20, 2003
9:00 A.M. – 12:45 P.M.

Staff Present:

Susan Batchelder, Administrative Assistant II
Jennifer Chenault, Secretary
Assistant City Attorney
Leonard Ackley, Community Inspections Officer
Peggy Burks, Community Inspections Officer
Mike Donovan, Community Inspections Officer
Burt Fletcher, Community Inspections Officer
John Gossman, Community Inspections Officer
Deborah Haskins, Community Inspections Officer
John Hudak, Community Inspections Officer
Gilbert Lopez, Community Inspections Officer
Mike Maloney, Community Inspections Officer
Dan Mullarkey, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Frank Stockinger, Community Inspections Officer
Kenneth Tyson, Community Inspections Officer
Lin Bradley, Code Supervisor
Todd Hiteshew, Code Supervisor
Maurice Murray, Code Supervisor
Rose Reed, Code Supervisor
Dallas Shumaker, Fire Inspector

Also Present:

Ginni Hancock, CE03010052
Gladys Hart, CE02071361
James Salter, CE01031954
Brian Rosaler, CE01031954
Dirk Rahim, CE00101504
Gerry Unice, CE02080871
Vivienne Spencer, CE02040721
Rodolfo Rodriguez, CE02090306
Walter Morgan, CE03010052
Charles McBride, CE02120698
Angela Marangelli, CE01121904
Michael Comastro, CE01121904

Dawn Cox, CE02110639
Kevin Abell, CE02110639
Carol Schweitzer, CE00110629
Joseph Dumosua, CE02110639
Bobby Henry, CE0210607
Pierre Petit Frere, CE00021363
Gabriel Santiago, CE00072719
Bradley Davis, CE1080868
Robinson Mizerel, CE02111836
Michael Moskowitz, CE02090306

NOTE: All individuals who presented information to the Special Master during these proceedings affirmed they would speak only the truth.

The meeting was called to order at 9:00 A.M. Mr. Conner introduced himself and explained his role in ensuring adherence with the City's codes. He also pointed out that the proceedings were being recorded.

Reference CE03010052

Philip Hancock
460 Southwest 20th Avenue

Sec. 15-28: Required Occupational License;
47-34.2 C: Permitted Land Use

Ms. Batchelder announced that this case was continued from January 16, 2003.

Mr. Walter Morgan, attorney for the respondent, informed Mr. Conner that he would be filing a petition with the Zoning Board regarding continued use of this property prior to obtaining an occupational license. He was unsure how long this would take to complete. The Assistant City Attorney stated that the city had no problem with a continuance of 90 days.

Mr. Conner granted an extension of 90 days.

Reference CE02090306

Rovic Properties, Inc.
2758 Davie Boulevard

Sec. 47-20.20 H: Parking area in disrepair;
Sec. 9-307(a): Rear door in disrepair;
Sec. 9-306: Peeling paint/stained surfaces;
Sec. 47-22 R: Signs without permits;
Sec. 47-22.3 C: Banner sign on property

Ms. Batchelder announced that certified mail addressed to an officer of the corporation had been accepted on February 5, 2003; certified mail addressed to the registered agent had been accepted on February 5, and personal service had been made by Inspector Burke on February 7, 2003.

Ms. Peggy Burks, Community Inspections Officer, testified that the parking area was in disrepair and there was a banner sign on the property. Sections 9-307(a), 9-306, and 47-22 R were now complied. As of her reinspection on February 18, the two remaining sections were still not in compliance. She presented photographs of the property, which were accepted into evidence as City exhibit 1.

Mr. Michael Moskowitz, representative of the respondent, stated that as far as the owner was concerned, the parking lot was in compliance. He presented copies of a motion for disqualification for this Special Master (Mr. Conner) based on previous rulings that had been reversed by the circuit court. He stated that if these matters must be tried, another Special Master should be assigned. Mr. Moskowitz testified that the driveway had just been re-striped, and the pothole filled in.

Ms. Burks noted that in regard to Section 47-20.20 H, the parking lot needed to be resurfaced and re-striped, and the wheel stops should be repaired, all with the required permits. She requested 7 days to reinspect the property to ensure that the banner sign had been removed. Mr. Conner permitted her 5 days to reinspect. Ms. Burks suggested allowing 90 days for the owners to obtain an after-the-fact permit for the work that was done on the driveway. Mr. Moskowitz disagreed that a permit was required to re-stripe a parking lot. He presented photographs depicting the repairs done to the parking lot, which were accepted into evidence as Respondent's exhibit 2.

Ms. Burks reiterated that the corrective action included obtaining permits for the repairs.

Mr. Moskowitz renewed his motion to disqualify Mr. Conner, and requested that this matter be rescheduled for another Special Master. Mr. Conner accepted the motion as Respondent's exhibit 1.

Mr. Conner stated that being reversed was not necessarily grounds for recusal. He then denied the motion to disqualify. Mr. Moskowitz then requested a continuance of 7 days for reinspection. Mr. Conner re-read the details of Section 47-20.20 and determined that a permit had been required for the striping. He agreed to allow time for the respondent to acquire the after-the-fact permit. The Assistant City Attorney felt 90 days should be sufficient to accomplish this.

Mr. Conner found in favor of the City and ordered compliance with Section 9-307(a) within 90 days, and Section 47-22.3 C within 5 days, or a fine of \$50.00 per day, per violation would be imposed.

Reference CE02101584

Joy Kellerman
3827 Southwest 12th Court

Sec. 24-27(c): Garbage carts left out in
unapproved location after service

Ms. Batchelder announced that certified mail had been accepted on February 3, 2003.

Mr. John Gossman, Community Inspections Officer, testified that the garbage carts were left out in an unapproved location after service. He presented photographs of the property, which were accepted into evidence as City exhibit 1. He requested 30 days to comply, or a fine of \$50.00 per day.

Mr. Dirk Rahim, property manager, presented a sketch of the area, which was accepted into evidence as Respondent's exhibit 1. He stated that the City had requested that the dumpster be placed in its present location, and was now asking that it be placed behind the building line, which was physically impossible.

Mr. Conner continued the case until March 6, due to the absence of Inspector Margerum. He also requested that Mr. Rahim bring Ms. Kellerman to the next hearing, or written proof that Mr. Rahim was her representative.

Reference CE01031954

James Salters
529 Northwest 23rd Avenue

Old Business

Ms. Batchelder announced that this case was originally heard on May 17, 2002 with compliance ordered by May 24, 2002; the property was in compliance on January 24, 2003. Fines had accrued in the amount of \$15,225.

Mr. Brian Rosaler, attorney for the respondent, requested an abatement of the accrued fines. He stated that the violations were due to a tenant Mr. Salters had experienced problems evicting. The cleanup could not be completed until the tenant was evicted. The property was in the process of foreclosure, and Mr. Salters would lose money on the property if the fine were collected.

The Assistant City Attorney noted that the property had been littered with debris for years had received 13 code violations since 1993; Mr. Salters had been the owner since 1985. Due to the quality of life violations, the City opposed the request for abatement. Mr. Rosaler countered that the owner had been unable to evict the tenant responsible for the trash. Mr. Salters was in danger of losing his principle residence, and the City would probably not recover the fines.

Mr. Conner inquired of Ms. Batchelder if he was permitted to reduce the amount of the fine. Mr. Rosaler stated that this was a cloud on the title, so no title insurance could be issued for the property.

Mr. Conner reduced the fine to \$2,500.00.

Reference CE03011226

Adolfo Vilasuso
501 Northeast 4th Avenue

Sec. 10 4-4.1: Fire extinguisher maintenance;
Sec. 1 1-10.1: Inoperable smoke detectors

Ms. Batchelder announced that certified mail had been accepted on February 5, 2003.

Mr. Dallas Shumaker, Fire Inspector, testified that as of his reinspection this morning, the fire extinguisher was still past due for service and smoke detectors were not in working condition. He recommended 3 weeks to comply, or a fine of \$100.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance within 21 days or a fine of \$100.00 per day, per violation.

Reference CE03011227

Brian Friedman
2320 Northwest 9th Court

Sec. 10 3-1.2.2: Missing fire extinguisher;
Sec. 1 1-10.1: Inoperable smoke detectors

Ms. Batchelder announced that certified mail had been accepted on February 5, 2003.

Mr. Shumaker testified that a fire extinguisher was missing from the apartment building and there were smoke detectors in non-working condition. He recommended 3 weeks to comply, or a fine of \$100.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance within 21 days or a fine of \$100.00 per day, per violation.

Reference CE03011229

E & H Family Homes, Inc.
1500 Northwest 7th Street

Sec. 10 4-4.1: Fire extinguisher maintenance;
Sec. 10 1-6.4: No striker on extinguisher cabinet

Ms. Batchelder announced that certified mail had been accepted on February 6, 2003.

Mr. Shumaker testified that the fire extinguisher was past due for service and there was no striker on the fire extinguisher cabinet. He recommended 21 days or a fine of \$100.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance within 21 days or a fine of \$100.00 per day, per violation.

Reference CE00110629

Carol Story
717 Southeast 14th Court

Old Business

Ms. Batchelder announced that this case was originally heard on September 5, 2002 with compliance ordered by November 4. On November 7, 2002 the date was extended to March 7, 2003 and fines were abated.

Ms. Carol Schweitzer, personal representative of the estate, testified that she needed an extension until November, as the house was in probate. Mr. Hudak noted that the remaining violations were not causing any problems in the neighborhood.

Mr. Conner granted an extension until November 20, 2003.

Reference CE00021363

Agape Church of God, Inc.
1317 Northeast 4th Avenue

Old Business

Ms. Batchelder announced that this case was originally heard on July 19, 2001 with compliance ordered by September 17, 2001; on October 4, 2001 the date had been extended to November 18, 2002. On April 18, 2002 the date had been extended to June 20, 2002; on June 18, 2002 the date had been extended to September 16, 2002. Fines had accrued in the amount of \$8,825.

Mr. Pierre Petit Frere, Pastor of the Agape Church, informed Mr. Conner that the Church had recently experienced problems with roof leaks, and these repairs were preventing the Church from completing the other maintenance. He noted that the Church was working with limited resources and was experiencing financial problems. Mr. Lauridsen informed Mr. Conner that they had completed much of the work, but the roof problem needed to be repaired first. He suggested allowing a 60-day extension.

Mr. Conner granted an extension of 60 days.

Reference CE02040721

Joyetta Wright
1700 Northwest 14th Avenue

Sec. 47-21.8: Missing ground cover; 9-280(b):
Broken widows not watertight / rodent proof;
9-281(b): Rubbish, trash, and debris on property;
trash on roof

Ms. Batchelder announced that service had been made by personal appearance of the owner's sister.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of dead and missing ground cover; there were broken windows which were not water / rodent proof; there was trash and debris scattered on the property and on the roof. She presented photographs of the property, which were accepted into evidence as City exhibit 1.

Ms. Vivienne Spencer, sister of the respondent, presented documentation to Mr. Conner authorizing her to represent her sister. This was accepted into evidence as Respondent's exhibit 1. Ms. Spencer stated that she had not been able to complete repairs because she had been in the process of evicting her son, who was responsible for the trash. She claimed that the window had been fixed.

Mr. Conner found in favor of the City and ordered compliance with:

- Section 47-21.8 within 60 days;
- Section 9-281(b) within 5 days;
- Section 9-281(b) within 5 days, or a fine of \$25.00 per day, per violation.

Reference CE02110639

Walter Van Allen
220 Southwest 2nd Street

Sec. 18-1: Trash and debris, stagnant water and on property; Sec. 24-27(f): Dumpster lids left open; Sec. 47-19.4 D.4: Dumpster enclosure missing gates

Ms. Batchelder announced that certified mail had been accepted on December 13, 2003 and February 19, 2003.

Mr. Mike Maloney, Community Inspections Officer, testified that there was trash, rubbish and debris on the property, stagnant water and a foul smell from the rear of the property; dumpster lids were left open and the dumpster enclosure had no gates. He stated that the City wished to withdraw the Section 18-1 violation. He presented photographs of the property, which were accepted into evidence as City exhibit 1.

Mr. Joseph Domosua, the owner, testified that the problem with the dumpster lid occurred because the alley was narrow and difficult to maneuver during and after service. Mr. Maloney requested 5 days to comply with Section 24-27(f) and 90 days to comply with Section 47-19.4 D.4.

Mr. Conner found in favor of the City and ordered compliance with Section 47-19.4 D.4 within 90 days, and Section 24-27(f) within 7 days or a fine of \$50.00 per day, per violation.

Reference CE01080868

Bradley Davis
400 Southwest 4th Avenue

Old Business

Ms. Batchelder announced that this case was originally heard on November 7, 2002 with compliance ordered by December 7, 2002 and February 5, 2003. Current fines stood at \$2,100.

Mr. Brad Davis, respondent, reminded Mr. Conner that he had left the country in December for the birth of his child. He also informed Mr. Conner that judgments had been entered which were forcing him to transfer title of the property, so it might not belong to Mr. Davis at the present time. Mr. Conner examined the judgment documents and determined that Mr. Davis was required to sell the property in January 2003; a deposit by the party named in the judgment would result in automatic transfer of title. Mr. Davis was unsure whether the party had posted the deposit. Copies of the judgments were received into evidence as Respondent's exhibits 1 and 2.

Inspector Maloney presented photographs of the property and suggested allowing 365 days to perform the repairs to the fence and structure. The photographs of the fence area were accepted into evidence as City exhibit 1; photographs of the dock area were accepted into evidence as City exhibit 2.

Mr. Conner granted an extension of 365 days for Sections 9-280(h)(1) and 9-306, and 90 days for Section 8-91(b).

Reference CE01121904

Angela Marangelli
734 Northwest 4th Avenue

Old Business

Ms. Batchelder announced that this case was originally heard on February 7, 2002 with compliance ordered by March 9, 2002. The property was complied on October 16, 2002. Current fines stood at \$16,500.

Mr. Michael Comastro, representative for the respondent, stated that the building had been vandalized weekly. He also noted that he and his client believed that the fine had accrued to only \$6,000.00, not \$16,500.00. Inspector Gossman stated that between February 2002 and September 2002 no work had been done; compliance was not complete until October 2002.

The Assistant City Attorney pointed out that the respondent was considering the fines for just one of the violations, not all three. She stated that \$16,500.00 was the correct figure. She noted that these were quality of life violations for the tenants of the building, which took the respondent 220 days to correct. The City therefore opposed the owner's request for abatement of fines.

Mr. Comastro explained that a new carting contract had been obtained in February 2002, and produced a fax and a bill from the company, which were accepted into evidence as

Respondent's exhibits 1 and 2 respectively. The Assistant City Attorney stated that the owner had never contacted the City to inform them that this item was in compliance, but agreed to acquiesce that the item was in compliance as of February 2002. She agreed to reduce the fine for Section 24-46. Mr. Comastro claimed that the other two violations were complied shortly after February as well.

Inspector Gossman related a history of his meetings with the owner and Mr. Comastro over the course of 2002. Mr. Conner noted that over this period, new violations arose as the older violations were being brought into compliance.

Mr. Conner abated the fine for Section 24-46 in the amount of \$5,500; for Sections 18-27(a) and 9-306, fines were abated to \$2,500 each. Total fines now stood at \$5,000.00.

Reference CE00072719

Jose Bermudez
1677 Lauderdale Manors Drive

Old Business

Ms. Batchelder announced that this case was originally heard on October 19, 2000 with compliance ordered by November 2 and December 18, 2000. Two of the violations were in compliance on time, but the other two were in compliance on May 17, 2001 and November 30, 2001. Fines had accrued in the amount of \$4,400.00.

Mr. Gabriel Santiago, brother of the owner, explained that his brother was unable to attend. He presented documents authorizing him to represent his brother, which were accepted into evidence as Respondent's exhibit 1. Mr. Santiago explained that members of the family had been stricken with AIDS; the mother had already died and the father was dying. He pleaded with Mr. Conner to allow his brother to retain the proceeds from the sale of the home, as this fine was listed as a lien.

The Assistant City Attorney stated that the City would support reducing the fine to \$1,100.00. Mr. Santiago stated that Mr. Simmons had agreed to lower a \$3,130 fine for another matter to \$300.00, and asked Mr. Conner to be as considerate.

Mr. Conner reduced the fines to \$1,100.00.

Reference CE02071361

Etoe Hart
740 Northwest 20th Avenue

Old Business

Ms. Batchelder announced that this case was originally heard on November 7, 2002 with compliance ordered by December 7, 2002. Section 9-281(b) complied on December 20, 2002; Sections 9-280(b) and 9-280(g) both complied on November 7, 2002. Section 9-306 complied on December 20, 2002. Fines had accrued in the amount of \$600.00.

Ms. Gladys Hart, wife of the owner, wished to dispute the \$300.00 fine for the rubbish violation. She claimed that the tenant had removed the belongings in the yard that Ms. Hart thought the rubbish violation referred to. A bucket had been left on the roof by a roofer, and she didn't realize that this would constitute a violation and lead to a fine.

The Assistant City Attorney stated that these were quality of life violations and rejected the owner's request for abatement of the fines. Inspector Donovan noted that the bucket on the roof could be seen by everyone entering the neighborhood; he had spoken with Ms. Hart a number of times concerning this violation and the painting violation. There were a total of 12 code enforcement cases on this property with this owner. Ms. Hart was unaware of any older violations; she had only been married to Mr. Hart for three years and the present violations were the only ones she knew about.

Mr. Conner denied the request for abatement.

Reference CE02080871

Joyce Tingloff
2901 Northwest 18th Street

Old Business

Ms. Batchelder announced that this case was originally heard on December 19, 2002 with compliance ordered by December 29, 2002, January 18, 2003 and February 17, 2003. Six of the Sections were now in compliance; the respondent was requesting an extension on the last, Section 47-20.20 H. Fines had accrued in the amount of \$3,600.00.

Mr. Gerry Unice, property manager, explained that he had hired a new survey company, and the surveys were now ready. He felt the driveway could be completed within 30 days. The Assistant City Attorney agreed.

Mr. Conner granted an extension of 30 days.

Reference CE02101607

Levi & Yvonne Henry
531 Northwest 7th Terrace

Old Business

Ms. Batchelder announced that this case was originally heard on December 5, 2002 with compliance ordered by December 19, 2002. The violation was in compliance as of January 30, 2003. Fines had accrued in the amount of \$1,025.00.

Mr. Bobby Henry, son of the owner, explained that his father was away, and requested abatement of the fine. He stated that the family had moved, and paperwork may not have reached the family when it should have. He had spoken with Mr. Ackley and begun repairs as soon as he was aware of the violations.

Mr. Ackley testified that Mr. Henry had hired someone to cut the grass and clean up the property, but the workers had left the trimmings all over the property.

The Assistant City Attorney stated that the City supported a reduction to \$300.00.

Mr. Conner reduced the fines to \$300.00.

Reference CE02111836

Homecetera Investments, Inc. Old Business
1004 Northwest 6th Street

Ms. Batchelder announced that this case was originally heard on December 19, 2002 with compliance ordered by January 2, 2003. The violation was in compliance as of January 23, 2003. Fines had accrued in the amount of \$4,000.00.

Ms. Hilde Robinson, director of the corporation, stated that she received the letter concerning the violations on December 23. She felt there was a misunderstanding with Mr. Ackley concerning the violation. Mr. Ackley stated that the grass was cut, but the trash and debris were not removed. He agreed that the property had been cleaned up, but if it had been done quicker, no fine would have been imposed.

The Assistant City Attorney stated that the City objected to the request for abatement. She stated that there had been numerous calls concerning this property under this owner. Mr. Ackley testified that passersby and homeless people in the area deposited the litter on the property.

Mr. Conner reduced the fines to \$750.00.

Reference CE02071350

Swiss Beach Holdings, Inc. Sec. 47-22.3.R: Non-permitted moveable sign
229 South Ft. Lauderdale Beach Boulevard

Ms. Batchelder announced that the City did not object to the request for a continuance.

Mr. Conner granted a continuance of 30 days.

Reference CE02120571

STS Enterprises, Inc. Sec. 47-22.3 C Signs without permits;
5400 North Federal Highway Sec. 47-22.6 F: Signs in disrepair

Ms. Batchelder announced that certified mail addressed to the registered agent had been accepted on February 4, 2003, and registered mail sent to the tenant had been accepted on February 5, 2003.

Mr. Kenneth Tyson, Community Inspections Officer, presented photographs of the property, which were accepted into evidence as City exhibit 1. He testified that Section 47-22.6 F was now in compliance, but the banner sign was still displayed.

Mr. Conner found in favor of the City and ordered compliance with Section 47-22.3 C within 7 days or a fine of \$100.00 per day would be imposed.

Reference CE02110264

P & D Inc.
2660 East Commercial Boulevard

Sec. 9-306: Deteriorated roof enclosure and awning, meter room door not secure;
Sec. 47-19.4 C.8: Open dumpster enclosure gates, enclosure full of trash; Sec. 18-27(a): Trash on property including landscape debris, tire, old signs; Sec. 24-28(a): Dumpster lids continually open; Sec. 47-21.8 A: Weeds on property, bushes overgrown, trash on property; Sec. 47-34.1 A.1: Non-permitted land use, outside storage

Ms. Batchelder announced that certified mail had been accepted on February 5, 2003.

Mr. Frank Stockinger, Community Inspections Officer, testified that there was a deteriorated roof enclosure and awning in the alley and the meter room door was not secure; the dumpster enclosure gates were continually open and the enclosure was continually full of trash; there was trash littering the property, including landscape debris an old tire and sign; garbage had accumulated around the dumpster and the lids were left open; there were weeds and trash on the property and the bushes were overgrown; there was outside storage on the property, including ice machines and buckets. He presented a history of the property, a history of the current violations, and photographs of the property, which were accepted into evidence as City exhibits 1, 2, and 3 respectively. He recommended 14 days for Section 9-306, and 7 days for all other violations, or a fine of \$200.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance with Sections 47-19.4C.8, 18-27(a), 24-28(a), 47-21.8 A, and 47-34.1 A.1 within 7 days, and Section 9-306 within 14 days, or a fine of \$200.00 per day, per violation, would be imposed.

Reference CE03012052

Polynesian Village Hotel
3621 North Ocean Boulevard

Sec. 24-28(a): Garbage accumulated around dumpster, lids are left open; 24-29(a): Inadequate collection; Sec. 18-1: Derelict vehicle and two-wheeled tow bar stored on property; 47-34.1 A.1: Non-permitted land use, outside storage; 47-20.20 H: Parking lot not maintained; 47-21.8 A: Parking lot landscaping not maintained

Ms. Batchelder announced that personal service had been made by Inspector Stockinger on February 14, 2003.

Mr. Frank Stockinger, Community Inspections Officer, testified that the dumpster lids were continuously open and trash was piled around dumpster; the dumpster was continuously overflowing due to inadequate collection; there was a derelict vehicle and a two-wheeled tow bar stored on the property; there was outside storage of pipes, pavers, and derelict vehicles on the property; the parking lot was not maintained, striping was missing, wheel-stops were missing or not tied down; parking lot landscaping was not maintained and some required landscaping was missing. He noted that this case was presented due to the recurring nature of the violations; even if the violations were corrected prior to the scheduled hearing, the case would be presented.

He presented a history of the property, a history of the current case, and a history of the previous case, which were accepted into evidence as City exhibits 1,2, and 3 respectively. He also presented photographs of the property, which were accepted it evidence as City exhibit 4.

Ms. Batchelder pointed out that the City could not request jurisdiction as a repeat violation because it had not been cited that way on the Notice of Violation.

Mr. Conner found in favor of the City and ordered compliance with:

- Sections 24-28(a), 24-29(a), and 47-34.1 A.1 within 7 days, or a fine f \$250.00 per day, per violation;
- Section 18-1 within 7 days, or a fine of \$100.00 per day;
- Sections 47-20.20 H and 47-21.8 A within 60 days, or a fine of \$100.00 per day, per violation.

Reference CE03010556

Wilfred Isaacs
1109 Northeast 6th Avenue

Sec. 9-281(b): Unlicensed, inoperable vehicle
on property

Ms. Batchelder announced that certified mail had been accepted on February 7, 2003.

Mr. Burt Fletcher, Community Inspections Officer, testified that there was an unlicensed, presumed inoperable car on the property. He also presented photographs of the property, which were accepted into evidence as City exhibit 1. He recommended 14 days to comply, or a fine of \$25.00 per day.

Mr. Conner found in favor of the City and ordered compliance within 14 days or a fine of \$25.00 per day would be imposed.

Reference CE02102351

L. & Mary Rizor
801 Northwest 14th Way

Old Business

Mr. Conner inquired about the individual fines and Ms. Batchelder informed him that the violations had been fined at \$250.00 per day due to the recurring nature.

Mr. Conner denied the request for abatement because the respondents did not appear in person, or by representation.

Reference CE02110940

Cemmie Mitchell
419 Northwest 7th Avenue

Sec. 18-27(a): Property overgrown, littered with trash

Ms. Batchelder announced that service was made via posting on the property and at City Hall on December 18, 2002 and February 10, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that the property was overgrown and littered with trash. He recommended 7 days to comply or a fine of \$50.00 per day.

Mr. Conner found in favor of the City and ordered compliance within 7 days or a fine of \$50.00 per day would be imposed.

Reference CE02081332

Christopher & Melissa Christ
630 Northwest 14th Terrace

Sec. 9-306: Peeling paint/mildewed walls;
Sec. 47-21.8: Ground cover not maintained;
Sec. 9-280(g): Outside electrical sockets not maintained, improperly installed air conditioning units; Sec. 9-280(b): Doors and windows not weather/watertight, and rodent proof; Sec. 9-278(g): Missing/torn screens

Ms. Batchelder announced that personal service had been made by Inspector Donovan on February 19, 2003.

Mr. Mike Donovan, Community Inspections Officer, testified that he had discussed these violations with Mr. Christ and agreed to a 60-day final order, or a fine of \$25.00 per day, per violation.

Mr. Conner found in favor of the City and ordered compliance within 60 days, or a fine of \$25.00 per day, per violation, would be imposed.

Reference CE02121141

Leola Wimberly & Willie Jones
1308 Northwest 2nd Street

Sec. 18-27(a): Property overgrown, littered with trash

Ms. Batchelder announced that service was made via posting on the property and at City Hall on February 4, 2003 and February 10, 2003.

Mr. Leonard Ackley, Community Inspections Officer, testified that the property was overgrown and littered with trash. He presented photographs of the property and the posting, which were accepted into evidence as City exhibit 1. He recommended 7 days to comply or a fine of \$50.00 per day.

Mr. Conner found in favor of the City and ordered compliance within 7 days or a fine of \$50.00 per day would be imposed.

Reference CE02101260

Shirley & Cheryl Weaver
2356 Northwest 14th Street

Sec. 9-306: Stained, chipped faded paint;
Sec. 9-281(b): Inoperable, unlicensed vehicles on property; Sec. 47-21.8: Landscape maintenance; Sec. 24-27(c): Improper location of garbage carts

Ms. Batchelder announced that certified mail had been accepted on February 14, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were unlicensed, inoperable vehicles were stored on the property; There were areas of dead and missing ground cover, and garbage carts were left in view after service. Section 9-306 was now in compliance. She presented photographs of the property, which were accepted into evidence as City exhibit 1.

Mr. Conner found in favor of the City and ordered compliance with:

- Section 9-281(b) within 7 days, or a fine of \$50.00 per day;
- Section 47-21.8 within 30 days, or a fine of \$50.00 per day;

- Section 24-27 (c) within 7 days, or a fine of \$25.00 per day.

Reference CE02110857

Eunice Greene
1119 Northwest 23rd Avenue

Sec. 9-281(b): Rubbish and trash and inoperable, unlicensed vehicles on property; Sec. 9-306: Stained and mildewed pant, bare fascia, wood-not weather resistant

Ms. Batchelder announced that certified mail had been accepted on February 26, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was rubbish, trash, debris, and several unlicensed, inoperable vehicles on the property and the fascia board was bare in some areas and not weather resistant. She presented photographs of the property, which were accepted into evidence as City exhibit 1.

Mr. Conner found in favor of the City and ordered compliance with:

- Section 9-281(b) within 7 days or a fine of \$50.00 per day;
- Section 9-306 within 30 days, or a fine of \$25.00 per day.

Reference CE02121409

Joel Ribler & Gary Dufour
1309 West Sunrise Boulevard

Sec. 18-27(a): Property and swale overgrown;
Sec. 9-306: Dirty, stained paint on buffer wall

Ms. Batchelder announced that certified mail had been accepted on February 5, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the property and swale were overgrown. She stated that Section 9-306 was in compliance. She presented photographs of the property, which were accepted into evidence as City exhibit 1.

Mr. Conner found in favor of the City and ordered compliance with Section 18-27(a) within 10 days or a fine of \$100.00 per day would be imposed.

Reference CE02121742

Samuel Wright
1339 Northwest 9th Avenue

Sec. 9-281(b): Several unlicensed, inoperable vehicles on property

Ms. Batchelder announced that certified mail had been accepted on January 31, 2003.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were several unlicensed, inoperable vehicles stored on the property. She presented photographs of the property, which were accepted into evidence as City exhibit 1. Mr. Conner wasn't certain

whether an inoperable car located in a carport was a violation. Ms. Batchelder suggested a 2-week continuance to make a determination.

Mr. Conner continued the case until March 6, 2003.

Cases Complied

Ms. Batchelder announced that the below listed cases were in compliance. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE01110218	CE02121937	CE03010801	CE03011224
CE02061591	CE03010206	CE03010917	CE03011230
CE02082069	CE03010273	CE03010977	CE03011231
CE02082070	CE03010312	CE03011218	CE03011300
CE02092164	CE03010345	CE03011219	CE03011314
CE02101431	CE03010465	CE03011220	CE03011606
CE02102060	CE03010469	CE03011221	CE03011739
CE02110347	CE03010466	CE03011222	CE03011745
CE02120059	CE03010481	CE03011223	CE03011746
CE02121331	CE03010526		

Cases Pending Service

Ms. Batchelder announced that the below listed cases had been withdrawn pending service to the respondents. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE02050011	CE02120095	CE03010407	CE03011705
CE02061788	CE02120945	CE03011199	CE03011740
CE02061949	CE02121021	CE03011225	CE03011741
CE02090622	CE02121743	CE03011228	CE03011742
CE02091833	CE02121851	CE03011608	CE03012074

Cases Rescheduled

Ms. Batchelder announced that the below listed cases had been rescheduled. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE02052022	CE02110553	CE03010797	CE03011511
CE02100997	CE02120558	CE03010908	CE03012039
CE02110405	CE03010151		

Cases Withdrawn

Ms. Batchelder announced that the below listed cases had been withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE02121857

Approved for Imposition of Fines

Ms. Batchelder presented Mr. Conner with 17 cases that had not been brought into compliance as ordered. Mr. Conner approved them for enforcement.

There being no further business, the hearing was adjourned at 12:45 P.M.

Special Master

ATTEST:

Clerk, Special Master